IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 10313 of 2006(C)

PETITIONER:

RAVEENDRA MENON, S/O. NARAYANI AMMA,
MADATHI HOUSE, NANDIKKARA, MUKUNDAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. UNION OF INDIA, REP. BY THE SECRETARY,
MINISTRY OF SHIPPING AND SURFACE TRANSPORT,
GOVT. OF INDIA, NEW DELHI.

2. MANAGER, NATIONAL HIGHWAY AUTHORITY
OF INDIA, G5 & 6 SECTOR 10, ROOM NO.420,
DWARAKA, NEW DELHI-110 045.

3. MANAGER, NATIONAL HIGHWAY AUTHORITY OF
INDIA, THRISSUR.

4. DEPUTY COLLECTOR & SPECIAL LAND
ACQUISITION OFFICER, NATIONAL HIGHWAY
DEVELOPMENT PROJECT (NHDP), THRISSUR.

BY ADV. SRI.S.ABILASH, CGC
SRI.THOMAS ANTONY, ADDL.CGSC
GOVERNMENT PLEADER SRI.L.G.SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No.10313 of 2006

Dated this the 27th June, 2007.

J U D G M E N T

The petitioner had an area of 80 cents of property, on the western side of Trichur-Angamaly National Highway. Due to a number of acquisitions, it is submitted, the area was reduced to 21 cents. The grievance of the petitioner is that now the National Highway authorities have come forward with a proposal to acquire the remaining property, that too, without giving proper compensation.

2. It is averred that initially Ext.P1 notification was issued in which the area proposed to be acquired from his possession was shown as 340 Square Metre. He filed objections. Subsequently, a fresh notification was issued, as evidenced by Ext.P6, on 10.3.2006, in which it was stated that an area of 977 Square Metres of land was proposed to be acquired from the petitioner.

3. Further case of the petitioner is that the land is acquired on the pretext of straightening the National High Way. However, it is submitted that if the land as now proposed is acquired, there will not be any straightening of any curve, but it will form a

parallel National Highway with curves. To establish that fact, the petitioner had produced a satellite picture of the area, as evidenced by Ext.P9 series.

4. The petitioner has filed Exts.P7 and P8 representations before the Land Acquisition Officer, as well as before the Officer-in-Charge, National Highway Authority of India, New Delhi, and to the Secretary, Ministry of Shipping & Surface Transport, New Delhi. The main prayer in this writ petition is to quash Ext.P6 notification.

5. The learned Standing Counsel, Sri.Thomas Antony, appearing for the National Highway Authorities, submits that when Ext.P1 notification was issued, the area of land proposed to be acquired is shown only as an approximate, and not with any mathematical precisions. At that time also, petitioner has filed W.P.(C) 16484/2005, and the same was disposed of recording the statement of the National Highway authorities that a fresh notification, showing the exact area to be acquired, will be issued. It is submitted that by actual measurement, the area to be acquired from the petitioner is 876 Square Metres. It is also submitted that in view of the policy

decision of the State Government, the National Highway authorities can only widen the existing road, without changing the alignment, and, there is no proposal to construct a new road through other properties. It is further submitted that in fact, the proposed road touches a Bridge, and hence, there is actually no proposal to construct any new road. The area mentioned in Ext.P1 was only an approximate and no additional area is proposed to be acquired. He submitted that the need is an urgent one and unless the land of the petitioner is also acquired, it will not be possible to widen the National Highway.

6. It is seen that the petitioner has filed Exts.P7 and P8 representations before the 4th respondent, Deputy Collector and Special Land Acquisition Officer, who is the competent authority. It is only just and proper that the 4th respondent is directed to hear and dispose of those representations.

In the result, the writ petition is disposed of in the following manner. There will be a direction to the 4th respondent, Deputy Collector and Special Land Acquisition Officer, to hear and dispose of Exts.P7 and P8 representations, if not already disposed of,

after giving an opportunity to the petitioner, as well as the officers of National Highway authorities to present their case, as expeditiously as possible, at any rate, within three weeks from the date of receipt of a copy of this judgment. Until the disposal of the same, the status quo as on today will be maintained by the parties.

K.PADMANABHAN NAIR,
JUDGE

nj.